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JUL 14 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of **Froseth et al.**)
) **Group Art Unit:** **1794**
)
Serial Number **09/780,273**) **Examiner:** **Thakur, Viren A.**
)
Filed **February 9, 2001**) **Atty. Docket:** **5390USA**

For: Customized Food Selection, Ordering and Distribution System and Method

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

**Via Facsimile
571-273-8300**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated April 14, 2008 rejecting the following claims: 128, 134, 135, 137-139 and 144-146.

The fee for this Notice of Appeal is \$510.00.
(\$500.00 fee previously paid November 7, 2006)

\$ 10.00 (due now)

If one of the boxes below has been checked, then this paper also constitutes a Petition for an Extension of Time under 37 C.F.R. 1.136(a) to reply to the rejection:

Extension of time requested for:

- 1 Month (37 CFR 1.17(a)(1))
- 2 Months (37 CFR 1.17(a)(2))
- 3 Months (37 CFR 1.17(a)(3))
- 4 Months (if available) (37 CFR 1.17(a)(4))

The sum of the fee for the Notice of Appeal and the fee for any extension of time is

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Applicant is a small entity under 37 CFR 1.9 and 1.27. Therefore, ^{91 FC:1401} 510.00 DA
the fee shown above is reduced by half, and the resulting fee is: \$

A check in the amount of the fee is enclosed.

The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 07-0900.

Respectfully submitted,

Everett G. Diederiks, Jr.
Attorney for Applicant
Registration No. 33,323

Date: July 14, 2008

Adjustment Date: 07/18/2008 CNGUYEN2
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Adjustment date: 07/18/2008 CNGUYEN2
11/08/2006 YPULITE1 00000069 070900 09780273
01 FC:1401 500.00 CR